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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,942	08/10/2001	Yoshio Satoh	21.1966-CRE-C	6889

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EXAMINER

SUMMONS, BARBARA

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,942

Applicant(s)

Satoh et al.

Examiner

Barbara Gummora

Group Art Unit

2817

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— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 8/10/01 (Pre-Amends., Drawing Corr.)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 6 and 22-33 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 6 and 24-33 is/are allowed.
- ☒ Claim(s) 22 and 23 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☒ The proposed drawing correction, filed on 8/10/01 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☒ Certified copies of the priority documents have been received in Application No. 07/965,774.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## REISSUE APPLICATION/DETAILED ACTION

### *Information Disclosure Statement*

1. Regarding the information disclosure statement filed 8/10/01, item AA on page 1 of 9, U.S. 4,803,499 to Hikita et al. has been corrected to read U.S. 4,803,449, published on 02/1989, and a copy of the document has been placed in the file. U.S. 4,803,499 is to Hayamizu and is unrelated to this application (i.e. the title is "Moveable Ink Jet Thermal Printing Head").

### *Drawings*

2. The proposed drawing corrections, filed on 8/10/01 have been approved.

### *Specification*

3. The disclosure is objected to because of the following informalities:

The first sentence of the specification must be amended to include a notice that more than one reissue application of the same U.S. Patent (i.e. U.S. 5,631,612) have been filed as required by 37 CFR § 1.177 (a). The following is suggested:

This application and copending Appl. No. 09/314,943, filed May 20, 1999, are each reissues of U.S. Patent No. 5,631,612 (Appl. No. 08/369,492, filed January 6, 1995).

The continuity information, provided in the paragraph added by the preliminary amendment received 8/10/01 (i.e. beginning --Cross Reference to Related Applications...) and in the first paragraph of the original specification of the Patent (i.e. "This application is a

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continuation of application No. 07/965,774...), is insufficient because the paragraphs do not flow together, and because the two paragraphs taken together, render the phrase "This application" unclear. Furthermore, the sentence "This application is related to application number 09/158,074..." is unclear regarding how the applications are related. It is suggested that those two paragraphs be replaced by a single paragraph similar to the following:

This application is a continuation of application No. 09/314,943, filed May 20, 1999, the contents of which are hereby incorporated by reference, which is a reissue of U.S. Patent No. 5,631,612 (Appl. No. 08/369,492, filed January 6, 1995), which is a continuation of application No. 07/965,774, filed October 23, 1992, now U.S. Patent No. 5,559,481. This application is related to application No. 09/158,074, filed September 22, 1998, now U.S. RE37,375, which is a reissue of U.S. Patent No. 5,559,481.

Appropriate correction is required.

#### *Claim Objections*

4. Claims 6 and 33 are objected to because of the following informalities:

In claim 6, on line 13, the bracketing of the word "output" and underlining of the word "input" are improper because no change has been made on this line. That is, the original patented claim 6 already recited "pairs of input terminals" at this location.

In claim 33, on line 3, note that "filters" should be the singular --filter--. Appropriate correction is required.

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***Claim Rejections***

5. Claims 22 and 23 are rejected under 35 U.S.C. § 251 as being directed to an error not correctable by reissue.

The claims 22 and 23 of the instant reissue application are identical to claims 5 and 6, respectively, of related U.S. Pat. No. 5,559,481 ('481). However, Applicants have admitted that claims 5 and 6 of U.S. Pat. No. 5,559,481 were in error and corrected the errors via reissue, by amending claims 5 and 6 in U.S. RE37,375. Now, Applicants apparently wish to go back to the claims of error (i.e. 5 and 6 of the '481 Patent) by reciting the identical subject matter in claims 22 and 23 of the instant application. Since claims 5 and 6 were admitted to be in error in the reissue of U.S. ' 481, then identical claims 22 and 23 of the instant application would have to be considered in error also. Hence, the addition of claims 22 and 23, would appear to create errors rather than correct errors.

Accordingly, the addition of claims 22 and 23 in the instant application is not correcting an error within the meaning of 35 U.S.C. § 251.

***Allowable Subject Matter***

6. Claims 1, 6 and 24-33 are allowable over the prior art of record.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 6, the prior art of record fails to disclose or fairly teach a band-pass filter having each of the specifically recited features and also being connected in a "multiple

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ladder structure”, in the same manner the prior art failed to disclose the recited features and also the “ladder structure” in U.S. 5,631,612. Regarding claims 24, 25, 29 and 30, the prior art of record fails to disclose or fairly teach a SAW filter or band-pass filter comprising each of the specifically recited features in the same manner as the prior art failed to disclose the combinations of features in similar broader claims 14, 49 and 50 of U.S. RE37,375.

*Conclusion*

8. The related U.S. Patents, U.S. 5,559,481 and U.S. RE37,375, are cited on the accompanying PTO-892 and form the evidence behind the claim rejections under 35 U.S.C. § 251 as discussed above. The related application numbers were included by Applicants on the I.D.S. paper no. 4, received 8/10/01.

9. Any inquiry concerning this communication should be directed to Barbara Summons at telephone number (703) 308-4947, FAX no. (703) 308-7724, receptionist's no. (703) 308-0956.

A handwritten signature in cursive script that reads "Barbara Summons". The signature is written in dark ink and includes a long, sweeping horizontal line at the end.

bs  
April 30, 2002

Barbara Summons  
Patent Examiner  
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